



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

such a treaty would raise questions which are now at rest, seem to the *Outlook* needless apprehensions. The treaty is so carefully framed as to avoid the danger that under it America might be forced into a dishonorable peace, or into a breach of the treaty in order to avoid a dishonorable peace. The *Outlook* believes that the Senate committee has the constitutional authority to make such a treaty, and that if the American people understand the meaning of this treaty and deliberately make its purpose their own, the treaty will make both for peace and for righteousness. It will not do all that some of its enthusiastic advocates claim for it, but its adoption will do some good and can do no harm.

### Line-up for the Peace Treaties.

*From the Homiletic Review.*

Whether the arbitration treaties with England and France should be ratified will be the great question before the Senate next winter. It is now before the great and general court of public opinion. The line-up on each side has already begun as follows: for the treaties as presented, two hundred chambers of commerce, numerous university and college professors, a host of clergymen of all denominations, many groups of churches, and a multitude of business men. Against the treaties, chiefly some societies of citizens who have brought over from Ireland and Germany an inherited animosity against England or France. With these a majority of the Senate Committee on Foreign Relations has on other grounds declared its opposition, and this in discourteous disregard of the President's request to postpone its report till Congress meets in December. It is well that its opposition has been unmasked thus early; its essential weakness will be the sooner exposed at the bar of public opinion. Each treaty provides that if either nation thinks a disputed question not "justiciable," *i. e.*, not one to be settled in a court of justice, this point shall be referred to a joint high commission of six—three from each nation—and if five of these agree that it is justiciable, it shall be referred to the Hague tribunal for decision. This the Senate's committee pronounces an unconstitutional delegation of the treaty-making power to outsiders. This contention has been exploded in a page of *The Independent* by Governor Baldwin, recently the Chief Justice of Connecticut, and still professor of law in Yale. The opinions of the Supreme Court and the acts of Congress which he cites leave no shadow of doubt on his conclusion: "It is not delegating, but rather exercising, their treaty-making powers." Especially forcible is his reference to the fact that for nearly forty years the Postmaster-General has been authorized to conclude postal treaties with consent of the President only. Of the seven names signed to the adverse report, not one is of equal weight in constitutional law with Governor Baldwin, or with the President himself, and the Secretary of State, Mr. Knox. The other senatorial objection to the treaties, that they "breed war," deserves ridicule more than argument. What a mare's nest is the notion that England or France might use the proposed treaty to challenge the Monroe Doctrine, and then, that two of the three Americans in the Joint High Commission might agree with them to refer it to the Hague tri-

bunal. Not to regard such objections as disingenuous as well as frivolous, large charity is needed. It is hard not to believe that sundry Senators would rather have the treaties fail than have Mr. Taft, as a candidate next year for the Presidency, gain prestige by their ratification. But faith in the essential reasonableness of human nature, even under temptation to unreason, forbids fear lest perverse objections win the day. Now is the time to call out all the reserves, and to mass the forces of reason, of commercial interest, and of religion, for treaties that fasten fresh nails in the coffin of the accursed murderer, war.

### Brief Opinions of Prominent Men.

Governor Mann, of Virginia.

In my judgment the Senate of the United States never faced a more important issue and never had a greater opportunity for world-wide service than that presented by the arbitration treaties negotiated by President Taft between this country and Great Britain and France. That these treaties should be approved and ratified by the Senate is the opinion of a large majority of the best people of America; that there should be the slightest hesitation in taking so great a step for peace on earth is a matter of surprise.

It is peculiarly appropriate that the United States should initiate this action. Isolated by their geographical situation from the contending great powers, protected by an imposing navy, and by unlimited resources, secure in the strength of a vast, intelligent citizenship capable of bearing arms, the United States can well afford to lead the world toward peace and amity.

Every question of difficulty between nations, be it great or small, has its origin in some minor controversy. The prompt arbitrament of these questions will avert an issue of national honor.

Senator George Sutherland, of Utah.

I favor the ratification by the Senate of the general arbitration treaties with Great Britain and France, without any change in the proposed text.

I am unable to agree with the contention that the provision in Article III will constitute a delegation of the treaty-making power of the Senate. Such provision is not a delegation of the power to participate in the making of a treaty, but only of a power to say whether or not the facts of the given case fall within the rule laid down by a treaty, already made with the advice and consent of the Senate. This is no more a delegation of the treaty-making power than is the authority conferred upon the Interstate Commerce Commission to determine whether transportation charges exacted by a railway company fall within the statutory rule that all rates shall be reasonable and non-discriminative a delegation of the law-making power.

Congress may not delegate the power to make a law, but may make a law which confers a power to determine whether a given state of things falls within the operation of the law.

Neither can I agree with the contention that this provision is unwise or attended with any circumstances of peril, in view of the fact that the personnel of the

Joint High Commission is sufficiently under our control practically to guarantee a fair decision, or, rather, to prevent an unfair decision.

While I do not think that questions concerning the Monroe Doctrine or any purely governmental policy, such as the exclusion or admission of aliens, are embraced within the terms of Article I, still I should have no objection to including in the resolution of ratification a clause declaring that the Senate advises and consents to the ratification with the understanding that such questions are not included within the meaning of the treaty.

These treaties mark a long step forward. Some day we shall recognize the folly and wickedness of two nations engaging in the mutual slaughter of their respective citizens as a means of redressing public grievances.

**Senator P. J. McCumber, of North Dakota.**

I am with the President in regard to these treaties. I was not in Washington when the committee made its report, and that is why I do not appear in the record opposing the amendments suggested.

Now, for years we have been putting everything possible into the hands of commissions, delegating one duty after another to different commissions, and yet, when it comes to a movement which has for its purpose the peace of the world, certain Senators fear that the prerogatives of the Senate may be impinged by reasons of a treaty which refers to a commission the determination of what is a justiciable cause. I do not see it that way, nor do I believe in any of the dire predictions made by those who are seeking excuses for opposing and defeating the arbitration treaties.

It is more important that this country should take the lead and maintain it in the great movement for the peaceful settlement of all international disputes.

**Henry Van Dyke.**

It is not only the right, but also the duty, of the Senate thus to consider them. But it seems to me the privilege, the great opportunity of the Christian church, in all the organizations which bear the name of Christ in America, to speak out promptly, clearly, and strongly in favor of the treaties. Every assembly, or body, or council that is in any way authorized to express the will and desire of the various communities of Christians, should do something to make it plain that it is the common wish and aim of the followers of Christ that war should cease and justice be maintained in peace. The Senate should understand this, and take it into account in the deliberations of this summer and the debates and actions of next winter.

Memorials and delegations should be sent to Washington for this purpose. The attitude of the Christian churches of America in this question should not be left open to any doubt. It should be known to all men, and especially to our legislators, that the church, however divided on other points, is now united for the peace of the world, and desires to see the disputes and differences of nations settled by appeal, not to war with the bloody sword, but to justice with the even scales. She sees in these treaties the only practicable path to this end, and therefore would regard their rejection or mutilation as a great calamity.

## Roosevelt and the Arbitration Treaties.

*The Philadelphia Public Ledger.*

Ex-President Roosevelt has re-entered the lists as an opponent of the pending arbitration treaties, which he considers hypocritical, loosely worded, and lacking in explicitness and straightforwardness! The majority of careful readers of those documents have failed thus far to find any of these alarming defects in them, and they will be inclined to attribute Colonel Roosevelt's conclusions rather to obliquity in his own vision. Nor will the ex-President's elaborate observations concerning righteousness and peace and his abhorrence of brutality and wrongdoing carry conviction of the sincerity of this attack upon the treaties, or conceal the obvious purpose of discrediting President Taft and his earnest advocacy of the extension of international arbitration. Mr. Roosevelt is exceedingly unfortunate in his choice of phrases if the latter interpretation of his purpose does him injustice.

His arguments against the treaties have already been fully met by President Taft's calm and closely-reasoned discussion of the points at issue. The ex-President would specifically withhold from submission to international arbitration questions affecting the vital interests and honor of the country, these being the reservations in the treaties which he himself negotiated, but withdrew from the Senate because that body refused to delegate to him, as Executive, the power over future arbitrations under those treaties. Yet he now objects to the delegation of power to the Joint High Commission to pass upon the question, duly submitted to it, whether a particular dispute is capable of adjudication by an arbitration tribunal. He apparently overlooks entirely the fact that a joint commission has no power of itself to decide whether questions are arbitrable, but can only pass upon specific points submitted to it by the joint action of the two powers concerned. The intimation that the President would refer to a commission any issue concerning the domestic policy or "vital needs" of the nation, contrary to the express wishes of his constitutional advisers or to the clearly expressed opinion of the people, is not worthy of serious consideration.

The trouble with Mr. Roosevelt seems to be that he identifies "righteousness" and the national policy as entirely and always synonymous. If we want a thing very badly, he argues in effect, it becomes a matter of national honor, and no tribunal on earth, however impartial and however august, can for one moment be permitted to pass upon questions of law or justice which may be involved in such matters of "national honor," even though they may affect our foreign relations. Mr. Roosevelt's position is in marked contrast to that taken by President Taft in his Ocean Grove speech, when he said:

"I believe in arbitration to the point that I am willing to arbitrate anything in which I believe I have a good case, and, if I don't believe I have a good case, I wish to give it up in advance of arbitration.

"When we agree that we will submit all justiciable controversies to the judgment of an arbitration and decline to allow anybody to decide what is justiciable except ourselves, we give little sanction or pledge in ad-